IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.1936/2007

Shahid Abbas Shaikh ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Ms Nasreen Ayubi, (Appointed) Advocate for the Applicant.

Ms M. H. Mhatre, APP for the State.

CORAM: V. C. DAGA,J.
DATED: 16 8. 2007.

P.C.:-

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused application and the material available on record.

3. Having seen the contents of the application in the light of the order, dated 8th February,2007, passed by the Sessions Judge, Greater Mumbai; whereby, the bail application moved by the present applicant has been rejected in Bail Application No. 367 of 2006,it is clear that the applicant-accused is involved in C.R.Nos.310 of 2006 and 110 of 1995 for the offence punishable under Sections

363, 376, 324 and 506 of the I.P.C.registered with RAK Marg Police Station and Shivajinagar Police Station respectively.

4. From the record, prima facie, it appears to be the case of the prosecution that the victim as well as the taxi driver, namely, Kurshid Iqbal, have identified the applicant-accused who had taken away the victim towards railway tracks and committed the alleged offence. The offence alleged against the applicant is heinous one. Possibility of tampering of the evidence cannot be ruled out. Even, otherwise, possibility of absconding of the accused also cannot be ruled out. The applicant has no permanent place of abode.

5. In the above view of the matter, I am not inclined to grant bail to the applicant for the reasons stated hereinabove and for the reasons stated in the order dated 8.2.2007 passed by the Sessions Judge, Greater Bombay in Bail Application No. 367 of 2006.

6. In the result, the applicant is not

entitled for bail. The application is, thus, rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)